

CITY COUNCIL AGENDA MEMORANDUM

SUBJECT:

Public hearing on proposed Resolution No. _____ identifying Cost Saving Options to be included in the East Link Project, authorizing necessary changes to related agreements, and making light rail an allowed use per the Light Rail Overlay District.

STAFF CONTACT:

Kate Berens, Deputy City Attorney, 452-4616
City Attorney's Office

POLICY CONSIDERATION:

Memorandum of Understanding/Collaborative Design Process:

- The City and Sound Transit entered into a Memorandum of Understanding (MOU) in November 2011 that defines City contributions to a downtown light rail tunnel.
- The MOU also provides the basis for a Collaborative Design Process (CDP) that was further defined and agreed to in January 2012. The CDP provides the mechanism for the City and Sound Transit to jointly advance the design of the East Link Project through the 60% design phase and identify cost savings to offset part of the City's tunnel funding contribution.
- Throughout 2012, Council identified and narrowed cost savings options for design refinement and impact analysis in a joint agency work plan. On April 22, Council will be asked to identify which cost saving options, if any, should be incorporated into the East Link alignment. Making a final decision on the cost saving options will establish the final East Link alignment, leading to certainty to the community, the efficient use of final design and staff resources, and allow for initiation of private property acquisitions.
- Per the MOU, changes to the alignment require approval of both the Bellevue City Council and Sound Transit Board of Directors, otherwise the MOU alignment will advance into final design.

BACKGROUND:

Cost Saving Work Plan

The City and Sound Transit have worked since early 2012 to identify and evaluate potential cost savings measures that hold promise to reduce the cost of the East Link Project. This effort is consistent with the MOU, the subsequent CDP, and Council direction. A particular focus of the cost savings effort has been to reduce overall East Link Project costs in Bellevue in order to reduce or eliminate the City's contingent \$60 million tunnel funding contribution, as detailed in the MOU.

In Spring 2012, the City and Sound Transit identified a range of potential cost savings options for consideration by the community, City Council, and Sound Transit Board. After extensive public engagement, the City Council and Sound Transit Board identified a subset of cost saving ideas for further advancement and clarified the design objectives to be pursued for each area. This direction is contained in the Sound Transit and City of Bellevue Cost Savings Work Plan. In Fall 2012, City and Sound Transit staff presented the findings of this work plan, including

more advanced design on the selected cost savings ideas, a preliminary screen of environmental impacts, and Rough Order of Magnitude (ROM) cost estimates for each of the cost savings ideas. This analysis is contained in the *Cost Savings Work Plan Findings Advancement of Options September 2012 Report* which is available online at: <http://projects.soundtransit.org/Projects-Home/East-Link-Project.xml>. In late October, the City Council and Sound Transit Board narrowed the cost savings options to be advanced for further analysis.

Public Review and Input

There has been extensive public outreach and participation at each point of narrowing over the past sixteen months. The City Council and Sound Transit Board work plans have reflected the input of the community in both the options that have been advanced and in the direction on specific areas to focus design and technical analysis.

As part of the MOU, Council adopted an alignment with Sound Transit, pending the environmental analysis of the 112th Avenue SE design and cost saving process. This alignment, other than the City requested 112th Avenue SE modifications, is reflected in the MOU Exhibit C East Link Project Description. City and Sound Transit agreement to incorporate any cost saving options into the East Link alignment will require a change to the MOU Project Description and a related change to the Transit Way Agreement.

This public hearing provides a final opportunity for the public to express preferences on the light rail routing, and specifically the following cost saving choices:

Bellevue Way

Retained Cut on east side of Bellevue Way (MOU option)

OR

Light rail at-grade and shift Bellevue Way west with HOV Lane

112th Avenue SE*

Light rail in a trench under SE 4th (Retained Cut)

OR

Light rail at-grade on the west side of 112th with SE 4th Open Right-in/Right-out

OR

Light rail at-grade on the west side of 112th with SE 4th Emergency Access Only

Downtown Station

Below-grade tunnel station Optimized

OR

Downtown station above-grade parallel to NE 6th

*Note, each of the 112th Options includes the “road over rails” configuration of a 112th Ave SE overpass, with light rail crossing at-grade under the overpass in the approximate location of SE 15th Street.

OPTIONS:

1. Following conclusion of the public hearing, provide feedback on the content of the draft resolution and direct staff to bring back the resolution for final action on April 22.
2. Provide alternative direction to staff.

RECOMMENDATION:

Following conclusion of the public hearing, provide feedback on the content of the draft resolution and direct staff to bring back the resolution for final action on April 22.

MOTION:

1. **Move to open the public hearing.**
2. **Following the public hearing, move to close the public hearing.**
3. **After providing feedback on the content of the draft Resolution, move to direct staff to schedule the Resolution, as modified, for action on April 22.**

ATTACHMENTS:

Public Hearing Notice

Draft Resolution No. _____

PLEASE PUBLISH ON April 5, 2013

EAST LINK LIGHT RAIL FINAL COST SAVINGS OPTIONS

**NOTICE OF PUBLIC HEARING
CITY OF BELLEVUE**

NOTICE IS HEREBY GIVEN that the Bellevue City Council will hold a public hearing on Monday, April 15, 2013, during the Regular Session scheduled for 8:00 PM. This hearing is scheduled as Item No. 9(a) on that evening's agenda and is anticipated to begin at 8:30 PM or after. The hearing will be held in the Council Chambers at Bellevue City Hall in order to take public testimony on the final cost savings options affecting the East Link alignment. Cost savings options involve the alignment along Bellevue Way, 112th Ave SE, and the location of the downtown light rail station. Final action by the City Council and Sound Transit Board on these options will establish the East Link alignment for final design and permitting.

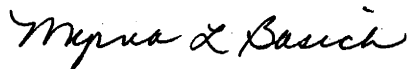
Translation and American Sign Language services are available if notified by 4:00 p.m. on April 12, 2013. Please call (425) 455-4162 (voice) or 711 (TDD Relay Service) if you require interpretation services.

Any person may participate in the public hearing by submitting written comments to the City Council in care of Myrna Basich, City Clerk, P.O. Box 90012, Bellevue, WA 98009. For additional information, please see the City's website at <http://www.bellevuewa.gov/light-rail.htm> or contact Mary Kate Berens, Deputy City Attorney, 425-452-4616 (MKBerens@bellevuewa.gov).

**City Council Regular Session
Monday, April 15, 2013, Meeting starts at 8:00 PM
Bellevue City Hall, Council Chambers
450 110th Avenue NE, Bellevue, WA**

Affidavit of posting has been filed with the City Clerk for the Bellevue City Council.

Dated this 3rd day of April, 2013.



Myrna L. Basich, City Clerk

DRAFT RESOLUTION FOR DISCUSSION AND REVIEW

CITY OF BELLEVUE, WASHINGTON

RESOLUTION NO. _____

A RESOLUTION related to Sound Transit's East Link light rail project identifying the City of Bellevue's preferred Cost Savings options modifying the East Link project; authorizing the City Manager or his designee to execute amendments to the Umbrella Memorandum of Understanding with Sound Transit consistent with the City's preferred Cost Savings options; authorizing the City Manager or his designee to execute amendments to the Transit Way Agreement with Sound Transit consistent with the City's preferred Cost Savings options; and approving the East Link project alignment, as modified by the City's preferred Cost Savings options for the purposes of the Light Rail Overlay District, Part 20.25M, of the Bellevue Land Use Code.

WHEREAS, the City and Sound Transit entered into the Umbrella Memorandum of Understanding for Intergovernmental Cooperation between the City of Bellevue and the Central Puget Sound Regional Transit Authority for the East Link Project dated November 15, 2011 (the "Umbrella MOU"); and

WHEREAS, the City and Sound Transit executed the Transit Way Agreement between the City of Bellevue and the Central Puget Sound Regional Transit Authority for the East Link Project dated November 15, 2011 (the "Transit Way Agreement"), and

WHEREAS, among other provisions, the Umbrella MOU included general support for the East Link alignment as described in Exhibit C to the Umbrella MOU, with certain City Requested Modifications; and

WHEREAS, the Umbrella MOU further outlined City financial contributions for the East Link Project and a framework for reducing certain portions of the City Contingent Contribution if cost savings could be accomplished and realized at the time of Project Baseline Budget; and

WHEREAS, the City and Sound Transit agreed to a collaborative process for design and development of East Link, including a collaborative process for identifying potential significant project cost savings, which collaborative process is generally described in the East Link Collaborative Design Process Management Plan; and

WHEREAS, on June 15, 2012 the Bellevue City Council endorsed the Sound Transit and City of Bellevue Cost Savings Work Plan (Draft) ("Cost Savings Work Plan"), which, among other potential cost savings alternatives included potential modifications to the Project described in Exhibit C of the Umbrella MOU and/or the City Requested Modifications as follows (all references as described in the Cost Savings Work Plan):

- Replace the retained cut by the Winters House with an at-grade light rail alignment, including a shift to the west and a City project to widen Bellevue Way by adding an inside southbound HOV lane from approximately the "Y" of Bellevue Way and 112th

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Avenue SE to the South Bellevue Park & Ride and adding an outside shoulder (Idea 1a);

- Replace the Umbrella MOU City Requested Modification of a light rail fly-over of 112th Avenue SE in the approximate location of SE 15th with the “road over rails” option of a new 112th Avenue SE overpass and light rail crossing under the overpass at grade;
- Replace the Umbrella MOU City Requested Modification of a trench along the west side of 112th Avenue SE with an at-grade alignment, optimizing the location for access to the Surrey Downs neighborhood minimizing or eliminating the use of gated crossings with bells;
- Further evaluate multiple alternatives for the Downtown light rail station:
 - Optimizing the configuration of the tunnel station generally described in the Umbrella MOU while minimizing impacts to surface traffic and maintaining station entrances both north and south of NE 4th Street ;
 - Move the Downtown station to NE 6th above grade (Idea 3c).

WHEREAS, on October 22, 2012 the Bellevue City Council approved a letter to the Sound Transit Board confirming those options from the Cost Savings Work Plan and from the City Requested Modifications described in the Umbrella MOU that should be evaluated through the environmental review process; and

WHEREAS, on March 26, 2013 Sound Transit completed and published the East Link Extension 2013 SEPA Addendum evaluating the modifications endorsed in the Cost Savings Work Plan as narrowed in October, 2012 and including certain City Requested Modifications from the Umbrella MOU; and

WHEREAS, on April 11, 2013 the City of Bellevue published the Draft Environmental Impact Statement on the City’s Transportation Facilities Plan, which includes evaluation to widen Bellevue Way by adding an inside southbound HOV lane from approximately the “Y” of Bellevue Way and 112th Avenue SE to the South Bellevue Park & Ride and adding an outside shoulder (the “Bellevue Way HOV Lane”) consistent with the joint project outlined in the Cost Savings Work Plan; and

WHEREAS, the City of Bellevue held a public hearing on the final Cost Savings options and this resolution on April 15, 2013 pursuant to notice consistent with the Council rules of procedure; now, therefore:

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES RESOLVE AS FOLLOWS:

Section 1. The Bellevue City Council endorses the following Cost Savings options for inclusion in the East Link project:

Bellevue Way (select one for final resolution):

- Retain the alignment as described in Exhibit C to the Umbrella MOU (“trench in front of Winters’ House”) [or]
- Replace the trench with an at-grade alignment shifted west, and (subject to completion of the environmental review process on the City’s Transportation Facilities Plan and a separate Council action following completion of such review to include the Bellevue

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Way HOV Lane project in the TFP) jointly pursue further design and possible construction of the Bellevue Way HOV Lane (Idea 1a).

112th Avenue SE Road over Rail:

- Replace the City Requested Modification of a light rail fly-over of 112th Avenue SE in the approximate location of SE 15th with the “road over rails” option of a new 112th Avenue SE overpass and light rail crossing under the overpass at grade (Idea 2b)

112th Avenue SE north of Crossover (select one for final resolution):

- Approve the City Requested Modification of a trench along the west side of 112th Avenue SE crossing under SE 4th Street **[or]**
- Replace the City Requested Modification of a trench along the west side of 112th Avenue SE with an at-grade alignment, allowing for an-at grade crossing of SE 4th Street, which will remain open for general access into the Surrey Downs neighborhood from 112th, restricted to “right-in/right-out” access, without bells on crossing gates, but including audible pedestrian warnings **[or]**
- Replace the City Requested Modification of a trench along the west side of 112th Avenue SE with an at-grade alignment, allowing for an-at grade crossing of SE 4th Street with controlled access allowing for emergency vehicle access only into the Surrey Downs neighborhood from 112th

Downtown Station (select one for final resolution):

- Retain the downtown tunnel station, as described in Exhibit C to the Umbrella MOU, optimized as described in the Cost Savings Work Plan and EIS Addendum
- Replace the below-grade Downtown station with a Downtown station with an above-grade station parallel to NE 6th (NE 6th Station Option)

Section 2 **[Note: only if Bellevue Way alignment includes HOV lane].**

The endorsement of modifications to the East Link project along Bellevue Way as described in Section 1 above is not a final Council decision on the Bellevue Way HOV Lane project evaluated in the Draft TFP EIS. No final action on the Bellevue Way HOV lane will be taken until completion of the environmental review process for the City’s Transportation Facilities Plan.

Section 3. The City Manager or his designee is hereby authorized to execute an amendment to the Umbrella MOU with Sound Transit to modify Exhibit C of the Umbrella MOU consistent with Section 1 **[or Sections 1 and 2, if appropriate]** above and to acknowledge completion of the process outlined in Article 5 of the Umbrella MOU for evaluation of City Requested Modifications.

Section 4. The City Manager or his designee is hereby authorized to execute an amendment to the Transit Way Agreement consistent with Section 1 **[or Sections 1 and 2, if appropriate]** above.

Section 5. For purposes of Section 20.25M.030.A.1.a and 20.25M.040.B.1.a of the Bellevue Land Use Code, this Resolution approves the alignment location and general profile

DRAFT RESOLUTION FOR DISCUSSION AND REVIEW

of the East Link project as such alignment location and general profile is described in Exhibit C to the MOU and modified by Section 1 of this Resolution.

PASSED by the City Council this _____ day of _____, 2013, and signed in authentication of its passage this _____ day of _____, 2013.

(SEAL)

Conrad Lee
Mayor

Attest:

Myrna L. Basich, City Clerk